

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOHN RICCIARDI, CALIXTO GARCIA, JESUS
RODRIGUEZ, MILTON AYALA, PORFIRIO
ARRIOLA, CALIXTO PERLERA and ROBERTO
VASQUEZ,

Plaintiffs,

MEMORANDUM & ORDER
10-CV-5371 (JS) (ARL)

-against-

KIMCO FACILITIES SERVICES CORPORATION,
EUREST SERVICES, INC. and COMPASS
GROUP USA INC.,

Defendants.

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APPEARANCES

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SEYBERT, District Judge:

Pending before the Court is Magistrate Judge Arlene
Lindsay's Report and Recommendation ("R&R"), issued on June 12,

2012. For the following reasons, this Court ADOPTS this R&R in its entirety.

BACKGROUND

Plaintiffs Calixto Perlera, Porfirio Arriola, Jesus Rogriguez, Roberto Vásquez, and Calixto Garcia (collectively "Plaintiffs") assert claims for denial of minimum wage and overtime pay pursuant to the Fair Labor Standards Act ("FLSA"), 29 U.S.C. §§ 201 et seq., and New York Labor Law, §§ 190 and 215, et seq. On April 26, 2012, Plaintiffs wrote to the Court, addressing their letter to Judge Lindsay, requesting that they be permitted to amend the Complaint. (Docket Entry 25.) By Order dated May 21, 2012, the Court ordered the parties to file a motion to amend the Complaint, and on June 12, 2012 Judge Lindsay issued a Report and Recommendation ("R&R") recommending that Plaintiff's motion to amend the Complaint be denied. (Docket Entry 30.)

DISCUSSION

Objections were due within fourteen (14) days of the date of the R&R. The time for filing objections has expired, and no party has objected. Accordingly, all objections are hereby deemed to have been waived.

Upon careful review and consideration, the Court finds Judge Lindsay's R&R to be comprehensive, well-reasoned and free

of clear error, and it ADOPTS the R&R in its entirety.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: January 3, 2013
Central Islip, New York